

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Tavern and entertainment liquor license.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to alcoholic beverages; authorizing a
2 tavern and entertainment liquor license; specifying
3 requirements; providing definitions; requiring rulemaking;
4 and providing for effective dates.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 12-4-416 is created to read:

9

10 ARTICLE 4 - RESORT, RESTAURANT AND TAVERN AND

11 ENTERTAINMENT LIQUOR LICENSES

12

1 **W.S. 12-4-416. Tavern and entertainment liquor**
2 **licenses; authorized; requirements; revenues of licensee to**
3 **be derived primarily from food services and entertainment.**

4
5 (a) Taverns and entertainment establishments as
6 defined by W.S. 12-1-101(a)(xxvii) may be licensed by the
7 appropriate licensing authority in counties, cities and
8 towns under a tavern and entertainment liquor license.

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10 (b) An applicant for a tavern and entertainment
11 liquor license shall satisfy the appropriate licensing
12 authority that at least sixty percent (60%) of revenue from
13 the operation of the tavern and entertainment establishment
14 to be licensed is projected to be derived from food
15 services, entertainment or a combination of food services
16 and entertainment and not from the sale of alcoholic or
17 malt beverages. In addition to the other application
18 requirements established by this title, the license
19 applicant shall submit a valid food service permit upon
20 application if the establishment prepares food.

21
22 (c) When renewing a tavern and entertainment liquor
23 license, the following requirements apply:

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2 (i) The appropriate licensing authority shall
3 condition renewal upon a requirement that not less than
4 sixty percent (60%) of gross sales from the preceding
5 twelve (12) months operation of a licensed tavern and
6 entertainment establishment be derived from food services,
7 entertainment or a combination of food services and
8 entertainment.

9

10 (ii) Upon application for license renewal, a
11 license holder shall submit an annual report to the
12 licensing authority on the sales of the licensed tavern and
13 entertainment establishment. The report shall contain the
14 annual gross sales figures of the tavern and entertainment
15 establishment and shall separate the gross sales figures
16 into two (2) categories:

17

18 (A) Food service and entertainment sales;
19 and

20

21 (B) Alcoholic and malt beverage sales.

22

(d) The annual license fee assessed for a tavern and entertainment liquor license shall be not less than one thousand five hundred dollars (\$1,500.00) nor more than ten thousand five hundred dollars (\$10,500.00).

STAFF COMMENT

The license fees above are acting as placeholders and mirror the license fees for bar and grill liquor licenses. Please advise LSO staff of the amount the Committee would like the license fees to be.

(e) A tavern and entertainment liquor license shall not be sold, transferred or assigned by the holder.

(f) Tavern and entertainment liquor licenses shall not sell alcoholic or malt beverages for off-premises consumption from the licensed building owned or leased by the licensee except as allowed by W.S. 12-4-410(e).

(g) Population formulas have no application to issuance of tavern and entertainment liquor licenses.

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3 **STAFF COMMENT**

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5 **A population formula for tavern and entertainment liquor**
6 **licenses has not been included in this bill draft. Please**
7 **advise LSO staff if the Committee would like a population**
8 **formula for this particular license.**
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11 *****

12
13 (h) Alcoholic liquor and malt beverages shall be
14 dispensed and prepared for consumption in the licensed
15 building in areas approved by the local licensing
16 authority. No consumption of alcoholic or malt beverages
17 shall be permitted within the dispensing areas nor shall
18 any person other than employees over eighteen (18) years of
19 age be permitted to enter the dispensing areas.
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21 **Section 2.** W.S. 12-1-101(a)(viii) and by creating
22 (xxvii) is amended to read:
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24 **12-1-101. Definitions.**
25

26 (a) As used in this title:
27

28 (viii) "Licensee" means a person holding a:

(W) Tavern and entertainment liquor
license.

(xxvii) "Tavern and entertainment establishment"
means an establishment where food, alcoholic and malt
beverages are sold to be consumed on the premises and where
the primary source of revenue from the operation is from
the sale of entertainment, food or a combination of
entertainment and food and not from the sale of alcoholic
and malt beverages.

STAFF COMMENT

At the August Corporations meeting, the Committee tasked
LSO staff with attempting to define entertainment for
purposes of this bill draft. The following three options
are various ways "entertainment" could be defined or
specified and are acting as a placeholder. The Committee
may wish to expand or detract from the below lists.

(1) W.S. 12-4-416(j): The licensing authority may
determine on a case by case basis the types of
entertainment which qualify for a tavern and entertainment
liquor license.

(2) W.S. 12-1-101(a) (xxviii): "Entertainment" means any
of the following forms of recreation:

(A) Indoor concerts;

(B) Comedy shows;

- 1 (C) Dancing;
- 2 (D) Escape room games;
- 3 (F) Fashion shows;
- 4 (G) Movies or films;
- 5 (H) Performance art;
- 6 (J) Karaoke;
- 7 (K) Sports simulators;
- 8 (L) Arcade games;
- 9 (M) Art exhibits;
- 10 (N) Bowling.

13 (3) W.S. 12-1-101(a) (xxviii): "Entertainment" means
14 recreational activities that occur on the premises of one
15 (1) facility that involve at least one of the following:

- 17 (A) Games of skill;
18 (B) Musical concerts;
19 (C) Films;
20 (D) Live performing arts;
21 (E) Dancing;
22 (F) Art exhibits.

25 (4) W.S. 12-1-101 (a) (xxix): "Entertainment" shall not
26 include:

- 28 (A) Any activity involving in-person nudity;
29 (B) Any form of gambling.

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35 **Section 3.** The liquor division and the department of
36 revenue shall promulgate any rules necessary to implement
37 this act.

39 **Section 4.**

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(a) Except as otherwise provided by subsection (b) of
this section, this act is effective July 1, 2023.

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(b) Sections 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

9

10 (END)